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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,170

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Tommie L. McCaster III

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07/22/2004

RANKIN, HILL, PORTER & CLARK, LLP
925 EUCLID AVENUE, SUITE 700
CLEVELAND, OH 44115-1405

EXAMINER

STORMER, RUSSELL D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,170

Applicant(s)

MCCASTER ET AL.

Examiner

Russell D. Stormer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "lockable" fastener of claim 6, the motion sensor and photo sensor of claim 10; the hand-held remote control device of claim 12; and the roller bearings of claim 17, as well as the inner annular bearing surface formed the bezel or between the bezel and the back case portion also of claim 17 must be shown or the features canceled from the claims.

No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The disclosure refers to the fastener 290 as a "locking fastener," but the drawings show this fastener to be a screw or bolt. No locking element is provided. If this fastener is intended to lock the bezel to the wheel to deter theft, then such a lockable mechanism must be shown and properly described.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 4, 5, 7, 14, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Adkins.

Brown discloses a wheel cover attached to the connecting portion of the wheel hub to cover the lug nuts. A clock is not shown to mounted to the front side of the cover.

Adkins (UK Application 2265585) teaches the desirability of having a functioning clock mounted to the front side of a wheel cover. The clock includes the hour and minute and second hands, and may be electronic, battery powered, or mechanical. From this teaching it would have been obvious to provide the wheel cover of Brown with a functional clock in order to decorate the wheel cover.

With respect to claim 2, the orientation of the clock, at the center of the wheel cover, would not appear to change as the wheel is rotated.

With respect to claim 5, for the hour and minute hand of the clock to be electroluminescent would have been obvious as such clocks are well-known and those of ordinary skill could readily chose one clock over another as desired.

With respect to claim 7, it would have been obvious for the hub and rim to be integral as such is well-known in the art.

With respect to claim 19, to space the spokes of the wheel to create an effect is well-known as admitted by Applicants on page 4 of the specification.

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6. Claims 3, 6, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Adkins as applied to claim 2 above, and further in view of Schindler.

For the cover of Brown as modified by Adkins to include a bezel and a transparent portion would have been obvious as taught by Schindler in order to protect the clock.

With respect to claim 6, the fasteners 50 of Brown lock the cover to the wheel and therefore and therefore are considered to be "lockable" inasmuch as the term has been defined by Applicants.

7. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Adkins as applied to claim 2 above, and further in view of Hinrichs.

For the wheel cover assembly of Brown as modified by Adkins to include a light source would be obvious as taught by Hinrichs in order to allow the clock to be viewed at night.

To provide a photo or motion sensor, controller, or hand-held remote control and receivers therefore would have been obvious as such devices are well-known in the automobile and lighting arts. For instance, Christmas tree lights have long had controllers to switch the lights on and off. Automobile dome lights stay on for several seconds or minutes after the door is shut. Hand-held remote controls are produced for countless articles. To incorporate any of these features in the lighted wheel cover of

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Brown as modified by Adkins and Hinrichs would have been obvious to those of ordinary skill as desired.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Adkins and Schindler and O'Donnell.

Brown, Adkins, and Schindler are applied and combined as set forth above. For the wheel cover to include a light source controlled by a motion detector would have been obvious as taught by O'Donnell in order to increase the ability of the wheel cover to be seen at night while the wheel is moving.

Allowable Subject Matter

9. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other wheel covers..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703)


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308-3768. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/20/04


RUSSELL D. STORMER
PRIMARY EXAMINER
7/20/04